

**MINUTES
VIRGINIA WASTE MANAGEMENT BOARD MEETING
MONDAY, DECEMBER 16, 2009**

**GENERAL ASSEMBLY BUILDING
HOUSE ROOM C
9TH & BROAD STREETS
RICHMOND, VIRGINIA**

Board Members Present:

Hunter H. McGuire, III, Chair
Eric K. Sildon
EJ Scott

N. Howard Burns, Jr.
Tyrone W. Murray
Steven J. Yob

Board Members Absent:

Clarence M. Dunnaville

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt

Attorney General's Office:

Kerri L. Nicholas, Assistant Attorney General

The meeting was convened at 10:05 a.m. and adjourned at 11:40 a.m.

Minute No. 1 - Minutes: The Board approved the minutes from the Board's meeting on December 8, 2008.

Minute No. 2 – Waste Management Regulations, 9VAC20-80, 9VAC20-101, and 9VAC20-170 Exempt Final Rule (Rev. A09w), Definition of Disclosure Statement; Coal Combustion Byproducts: Ms. Karen G. Sabasteanski of the Office of Regulatory Affairs presented amendments to several of the Board's regulations necessitated by Chapter 27 and 348 of the 2009 Acts of Assembly. Ms. Sabasteanski explained that the definition of "disclosure statement" was being amended in the Solid Waste Management Regulations (9VAC20-80), the Vegetative Waste Management and Yard Waste Composting Regulations (9VAC20-101) and Transportation of Solid and Medical Wastes on State Waters Regulations (9VAC20-170) to remove the requirement that social security numbers of key personnel be provided.

Ms. Sabasteanski also explained that the Coal Combustion Byproducts Regulation (9VAC20-85) was being amended to require that the board not exclude or exempt from the definition of solid waste or any solid waste permitting requirements the use, reuse, or reclamation of unamended coal combustion byproduct in an area designated as a 100-year flood plain.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the amendments to the Solid Waste Management Regulations (9VAC20-80), Vegetative Waste Management and Yard Waste Composting Regulations (9VAC20-101), Transportation of Solid and Medical Wastes on State Waters Regulations (9VAC20-170) and Coal Combustion Byproducts Regulation (9VAC20-85); and authorized publication of the amendments.

Minute No. 3 - Hazardous Waste Management Regulations, 9VAC20-60 Immediate Final Rule 2008-2009 (IFR2008-2009): Ms. Karen G. Sabasteanski of the Office of Regulatory Affairs presented amendments to the Hazardous Waste Management Regulations. Ms. Sabasteanski explained that 9VAC20-60-18 was being amended to update the date of the Code of Federal regulations to 2009. This is necessary to bring Virginia's regulations up-to-date with the federal changes. In addition, Ms. Sabasteanski briefed the

Board on the specific changes approved by the U. S. Environmental Protection Agency (USEPA) including information on those that were being recommended for adoption as well as those that were not being recommended for adoption.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the amendments to the Hazardous Waste Management Regulations, authorized publication and affirmed that it would receive, consider and respond to requests for reconsideration at any time by anyone.

Minute No. 4 - Virginia Solid Waste Management Regulations, Amendment 7, 9 VAC 20 – 81 – 10 et seq. - Final Regulations 2009: Mr. Jason Williams of the Waste Division presented the final Solid Waste Management Regulation Amendment 7 which includes adoption of a new Chapter 81 and the repeals of Chapter 80 and 101. Mr. Williams briefed the Board on the regulation development process and the proposed regulation, the public comments received during the comment period and the agency's response to those comments and the significant changes to the regulation.

Based on the Board book material, staff presentation and Board discussion, the Board unanimously adopted the Solid Waste Management Regulations (9VAC20-81) as presented and repealed 9VAC20-80 and 9VAC20-101.

Minute No. 5 - Significant Noncompliance Report: The Board received a report from Mr. Justin Williams of the Division of Enforcement on Hazardous Waste Significant Non-Compliers and Solid Waste Final Orders in federal fiscal year 2009.

Minute No. 6 - Public Forum: No one appeared during the public forum.

Minute No. 7 - Recycling Report: The Board received a report from Mr. Michael Murphy of the Division of Environmental Enhancement on recycling.

Minute No. 8 - Division Director's Report: The Board received a report from Mr. James Golden, Waste Division and Deputy Director focusing on the reorganization of the Division and the Voluntary Remediation Program.

Minute No. 9 - Future Meetings: No dates were set.

Cindy M. Berndt, Director, Office of Regulatory Affairs